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PATENT
Customer No. 22,852
Attorney Docket No. 08702.0134-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Vincent Ling *et al.*) Group Art Unit: 1653
)
Application No.: 10/824,481) Examiner: Not yet assigned
)
Filed: April 15, 2004)
)
For: USE OF B7-H3 AS AN)
IMMUNOREGULATORY AGENT)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner, the documents on the attached listing. This Information Disclosure Statement is being before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the International Search Report, foreign patents and non-patent literature documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicants enclose a copy of an International Search Report received in the corresponding application PCT/US2004/011767, dated January 25, 2005. The Search

Report cited five references, two of which were made of record in previously filed information disclosure statements. Copies of the three remaining references are enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 3, 2005

By: Rebecca M. McNeill
Rebecca M. McNeill
Reg. No. 43,796

Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

2

Application Number

10/824,481

Filing Date

April 15, 2004

First Named Inventor

Vincent Ling *et al.*

Art Unit

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Examiner Name

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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-4,179,337	12-18-1979	Davis <i>et al.</i>	
		US-4,301,144	11-17-1981	Iwashita <i>et al.</i>	
		US-4,495,285	01-22-1985	Shimizu <i>et al.</i>	
		US-4,496,689	01-29-1985	Mitra	
		US-4,609,546	09-02-1986	Hiratani	
		US-4,640,835	02-03-1987	Shimizu <i>et al.</i>	
		US-4,670,417	06-02-1987	Iwasaki <i>et al.</i>	
		US-4,766,106	08-23-1988	Katre <i>et al.</i>	
		US-4,791,192	12-13-1988	Nakagawa <i>et al.</i>	
		US-5,316,763	05-31-1994	Ochoa <i>et al.</i>	
		US-5,624,821	04-29-1997	Winter <i>et al.</i>	
		US-5,648,260	07-15-1997	Winter <i>et al.</i>	
		US-6,405,696	06-18-2002	Borraccia <i>et al.</i>	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 02/10187 A1	02-07-2002			
		WO 03/014293 A2	02-20-2003			

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		Angal <i>et al.</i> , "A single amino acid substitution abolishes the heterogeneity of chimeric mouse/human (IgG4) antibody," <i>Mol. Immunol.</i> , 30:105-108 (1993).	
		Bennett <i>et al.</i> , "Program Death-1 Engagement Upon TCR Activation Has Distinct Effects on Costimulation and Cytokine-Driven Proliferation: Attenuation of ICOS, IL-4 and IL-21, but Not CD28, IL-7 and IL-15 Responses," <i>J. Immunol.</i> , 170:711-718 (2003).	
		Blair <i>et al.</i> , "Cutting Edge: CTLA-4 Ligation Delivers a Unique Signal to Resting Human CD4 T Cells That Inhibits Interleukin-2 Secretion but Allows Bcl-X _L Induction," <i>J. Immunol.</i> , 160:12-15 (1998).	
		Carter <i>et al.</i> , "PD-1: PD-L inhibitory pathway affects both CD4 ⁺ and CD8 ⁺ T cells and is overcome by IL-2," <i>Eur. J. Immunol.</i> , 32:634-643 (2002).	
		Griffin <i>et al.</i> , "Blockade of T Cell Activation Using a Surface-Linked Single-Chain Antibody to CTLA-4 (CD152) ¹ ," <i>J. Immunol.</i> , 164:4433-4442 (2000).	
		Hannon, "RNA interference," <i>Nature</i> , 418:244-251 (2002).	

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	Heasman, "Morpholino oligos; making sense of antisense?," <i>Dev. Biol.</i> , 243:209-214 (2002).	
	Ji <i>et al.</i> , "Different modes of pathogenesis in T-cell-dependent autoimmunity: clues from two TCR transgenic systems," <i>Immunol. Rev.</i> , 169:139-146 (1999).	
	Lund <i>et al.</i> , "Human FcγRI and FcγRII interact with distinct but overlapping sites on human IgG," <i>J. Immun.</i> , 147:2657-2662 (1991).	
	McManus <i>et al.</i> , "Gene silencing in mammals by small interfering RNAs," <i>Nat. Reviews</i> , 3:737-747 (2002).	
	Morgan <i>et al.</i> , "The N-terminal end of the C _H 2 domain of chimeric human IgG1 anti-HLA-DR is necessary for C1q, FcγRI and FcγRIII binding," <i>Immunol.</i> , 86:319-324 (1995).	
	Stein, "The experimental use of antisense oligonucleotides: a guide for the perplexed," <i>J. Clin. Invest.</i> , 108:641-644 (2001).	
	Zamore, "RNA interference: listening to the sound of silence," <i>Nat. Struct. Biol.</i> , 8(9):746-750 (2001).	
	Ling V. <i>et al.</i> , AAI 2003: Meeting Abstracts, No. PREV200400117815, 116.27, "Genomic and functional analysis of primate and rodent B7-H3," page C215, April 14, 2003.	
	Copy of International Search Report for PCT/US2004/011767.	

Examiner
SignatureDate
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.